

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMICHAH OHRING, INDIVIDUALLY
AND ON BEHALF OF OTHERS
SIMILARLY SITUATED,

Plaintiffs,

v.

UNISEA, INC., and DOES 1 THROUGH
100, inclusive,

Defendants.

CASE NO. 2:21-cv-00359 TSZ

STIPULATION AND
[PROPOSED] ORDER
REGARDING LIMITED STAY OF
ACTION

NOTE FOR HEARING:
Tuesday, August 3, 2021

Pursuant to Local Rules W.D. Wash. LCR 16(b)(6) and 23(i)(3), Plaintiff Amichai Ohring (“Plaintiff”) and Defendant UniSea, Inc. (“Defendant”) (collectively, “the Parties”) hereby jointly stipulate as follows:

WHEREAS, on July 13, 2021, this Court issued an Order denying Defendant’s Motion to Compel Arbitration [Dkt. 34];

WHEREAS, on July 22, 2021, Defendant filed a notice of appeal of the Court’s order denying Defendant’s Motion to Compel Arbitration [Dkt. 36] (“the Appeal”);

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1 WHEREAS, on July 22, 2021, Defendant filed with this Court a motion to stay this
2 litigation pending the resolution of the Appeal (“Motion to Stay”) [Dkt. 37];

3 WHEREAS, Plaintiff’s position is that a stay should not be granted;

4 WHEREAS, on July 28, 2021, the Parties conducted a status conference before the Court,
5 wherein the Parties advised the Court that they were in the process of negotiating the terms of the
6 present stipulation;

7 WHEREAS, the Court accordingly struck the Motion to Stay without prejudice and also
8 struck the deadlines set forth on its Minute Order Setting Trial and Related Dates [Dkt. 35] for
9 completion of discovery on class certification issues and for any motions related to class
10 certification [Dkt. 39];

11 WHEREAS, in order to streamline the proceedings in this matter and in recognition of the
12 fact that relevant evidence, including the availability of witnesses, could be affected by the passage
13 of time during the pendency of the Appeal, the Parties have conferred and agreed to a partial stay
14 of this matter that provides for limited discovery and related agreements while the Appeal is
15 pending.

16 NOW, THEREFORE, THE PARTIES HEREBY STIPULATE to the following:

17 This litigation will be stayed pending resolution of the Appeal with the following
18 exceptions:

- 19 1. If any of the following UniSea employees announce their intention to leave
20 employment with Defendant during the pendency of the Appeal, Defendant will
21 provide Plaintiff advance notice of said departure and make the witness(es)
22 available to Plaintiff for deposition: Ferdinand Lopez, Amelito Maglasang, and
23 Windy Yang. Should depositions of these witnesses take place, Defendant will be
24 provided the option to depose Plaintiff;
- 25 2. Defendant will produce all diagrams and blueprints of the UniSea plants where
26 members of the putative classes worked from March 16, 2018 to the present within

1 a reasonable time period not to exceed 30 days from the date the Court grants the
2 attached [Proposed] Order;

3 3. If, during the pendency of the Appeal, any changes are made to the location of items
4 within UniSea plants relevant to either class or merits issues in this litigation,
5 including but not limited to changing rooms, time clocks, and hand and boot
6 washing stations, Defendant will notify Plaintiff of the change and identify the
7 current location of said items and the location to which they will be moved;

8 4. Defendant's counsel will obtain and preserve a complete sample set of all gear worn
9 by a seafood processing worker during the class period (March 16, 2018 to the
10 present, and continuing through the pendency of the litigation);

11 5. Defendant will maintain a list of all putative class members and their last known
12 contact information, including mailing and email addresses;

13 6. Defendant will produce a limited set of two categories of documents responsive to
14 Plaintiff's first set of document requests within a reasonable time frame. Defendant
15 will either produce these documents by August 6, 2021, or provide an update to
16 Plaintiff by August 6, 2021, as to when any unproduced documents will be
17 produced in the near future, not to exceed 30 days from the date the Court grants
18 the [Proposed] Order. This production will include:

19 a. Category 1: exemplars of the following document types for the class period:
20 contracts with employees, ADR documents, policies and procedures,
21 employee handbooks, job descriptions for the putative class positions,
22 generic recruiting information, and generic information regarding terms and
23 conditions of employment; and

24 b. Category 2: clock in/out data and financial data for Mr. Ohring only as well
25 as Mr. Ohring's personnel file;
26

1 7. Defendant will maintain payroll data for all putative class members from March 16,
2 2018 through the present and continuing for the pendency of the litigation. With
3 respect to payroll data for putative class members from March 16, 2018 through
4 January 2020 that was recorded by the predecessor payroll system, Defendant will,
5 no later than 30 days from the date the Court grants the [Proposed] Order, provide
6 confirmation to Plaintiff that it has recovered this data or, if the data has not yet
7 been recovered, the status of the recovery efforts, and, once recovered, will
8 maintain it in a usable format.

9 8. Each Party's preservation obligations are unchanged by this Stipulation.

10 9. This Court maintains jurisdiction and authority to enforce the terms of this
11 Stipulation.

12 10. All remaining deadlines set forth on the Court's Minute Order Setting Trial and
13 Related Dates [Dkt. 35] are stricken.

14 11. Upon the issuance of the Ninth Circuit's decision regarding Defendant's Appeal, if
15 the Court retains jurisdiction and is directed to proceed with the case, the partial
16 stay agreed to in this Stipulation shall terminate and the parties shall meet and
17 confer regarding a reasonable timeline for completion of any remaining discovery
18 on class certification issues and to establish other deadlines in the case.

19 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED: August 3, 2021

/s/ Julie C. Erickson

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Attorneys for Defendant

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____

Honorable Thomas S. Zilly
United States District Court Judge

Presented by:

/s/ J. Derek Little

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Attorneys for Defendant

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CERTIFICATE OF SERVICE

I, Jan Likit, affirm and state that I am employed by Karr Tuttle Campbell in King County, in the State of Washington. I am over the age of 18 and not a party to the within action. My business address is: 701 Fifth Ave., Suite 3300, Seattle, WA 98101. On this day, I caused the foregoing document to be electronically filed with the court and served on the parties listed below in the manner indicated.

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Via Hand Delivery
Via Electronic Mail
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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct, to the best of my knowledge.

Executed on this 3rd day of August, 2021, at Seattle, Washington.

s/ Jan Likit
Jan Likit
Legal Assistant